

An Information Guide

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT Wisconsin Statute 166.20

Deadly and tragic chemical releases in the United States and around the world have demonstrated the need to conduct emergency planning and preparedness for accidental chemical releases. The Emergency Planning and Community Right-to-Know Act (EPCRA) was created in 1986 by Congress to initiate local emergency planning for accidental chemical releases. It is also known as Title III of SARA (Superfund Amendments and Reauthorization Act).

The emergency planning aspect requires communities to prepare for hazardous chemical releases through emergency planning. This provides essential information for emergency responders and creates a database of hazardous chemical storage information.

In Wisconsin, each county has a Local Emergency Planning Committee (LEPC) consisting of local

WI Act 342 (the Hazardous Substances Information and Emergency Planning Act) became state law in April 1988, and implemented EPCRA in Wisconsin. The requirements are stated at s. 166.20, Wis. Stats.

elected officials, emergency response personnel (fire, police, EMS, etc.), the media, the public, and industry. These volunteers participate in emergency response planning, training and exercises. The emergency planning addresses chemical hazards present at permanent facilities and on transportation routes.



The community right-to-know aspect increases the public's awareness of chemical hazards in their community and allows the public and local governments to obtain information about chemical hazards in their community.

The Emergency Planning and Community Right-to-Know Act (EPCRA) has four main requirements which affect facilities:

- Section 302 Emergency Planning for accidental chemical releases;
- Section 304 Emergency Notification of Release;
- Sections 311/312 Hazardous Chemical Inventory Reporting; and
- Section 313 Toxic Chemical Release Inventory (TRI) - Form R.

DEFINITIONS:

CAS #: Chemical Abstract Service number, an identification #, often on a Material Safety Data Sheet (MSDS).

EPA: Environmental Protection Agency of the United States.

Extremely Hazardous Substance (EHS): The EHS list and their threshold planning quantity (TPQ) are identified at 40 CFR Part 355. OSHA's definition of hazardous chemicals includes EHS's - they are a subset. EHS's have lower inventory reporting amounts.

Facility: Defined at s. 166.20(1)(c), Wis. Stats., and 42 USC 11049(4). It includes all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person (or by any person who controls, is controlled by, or under common control with such person) or used for conducting the activities of a public or private agency. It includes man-made structures as well as all natural structures in which chemicals are purposefully placed or removed through human means. (A public right-of-way does not separate into two facilities, two sites owned or operated by the same person.)



FEIN #: Federal Employer Identification Number, used to identify a tax-paying or tax-exempt entity which owns or operates a facility. See IRS form W-9.

FTE: Full-Time Equivalent employee, a unit of measure used to identify an individual(s) employed and receiving wages for 2000 hours per calendar year.

Hazardous Chemical: For EPCRA (SARA Title III) it is "any chemical which is a physical hazard or a health hazard" [defined at 29 CFR 1910.1200(c)] It is any substance for which OSHA requires a facility to maintain a Material Safety Data Sheet (MSDS). There is no list of hazardous chemicals.



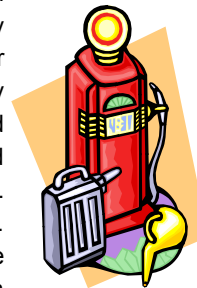
LEPC: Local Emergency Planning Committee, as created under s. 59.07(146)(a), Wis. Stats. Each county in Wisconsin has an LEPC.

MSDS: Material Safety Data Sheet, provides information on the chemical composition of a substance and its hazards.

Operator: The person(s) who participate(s) in the operation of a facility, to include every person, firm, corporation, State, county, town, village, and public or private agency, or quasi-public corporations, as well as, any agent, manager, representative, officer, or other person having ownership, direction and control or custody of a facility(ies).

Owner: Every person(s), firm, corporation, State, county, town, village, and public or private agency, or quasi-public corporations, as well as, any agent, manager, representative, officer, or other person having ownership, direction and control or custody of a facility(ies).

Petroleum Marketing Facility: A facility where petroleum products are stored for retail or resale, and are received by tank vessels, tank car or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessels, tank car, tank vehicle, or portable tank, and where petroleum products used as fuels are stored and dispensed from fixed equipment into vehicle fuel tanks. Retail applies to all instances of resale as defined in the law. Resale facilities include every person engaged in the business of making sales to the general public at retail within this State.



Private Agency: Defined as a privately owned and operated research facility or educational institution.

Public Agency: Defined as a State or local office, agency, board, commission, committee, council, department, research facility, educational institution or public body corporate or politic created by constitution, law, ordinance, rule or order, or a governmental or quasi-governmental corporation.

Release: Any spilling, leaking, pumping, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including abandonment or discarding of barrels, containers, and other receptacles) of a hazardous substance, extremely hazardous substance, hazardous material and/or hazardous chemical.

Retail Gas Station: Defined by the U.S. EPA as a retail facility engaged in selling gasoline and/or diesel fuel principally to the public, for motor vehicle use on land. EPA added the phrase “for motor vehicle use on land” to the definition to clarify that gas stations in marinas and airports that sell fuel for boats or airplanes are not intended to be included in the definition of “retail gas station” for purposes of this rule at this time.

RQ: Reportable quantity, triggers the Section 304 Emergency Notification of Release requirements for listed hazardous substances and Sec. 302 EHSs.

SIC Code: Standard Industrial Classification code, defines the type of business or industry under which the facility is categorized. Visit OSHA’s web-site for SIC code information and assistance at: www.osha.gov/oshstats/sicser.html.

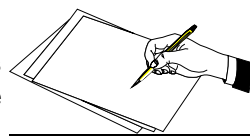
Toxic Chemical: These are chemicals listed under 40 CFR 372 which are subject to Section 313 Toxic Chemical Inventory (TRI) - Form R.

TPQ: Threshold planning quantity, triggers the Section 302 Emergency Planning Notification requirements for EHS. See the EHS list for chemical specific TPQ’s.

WEM: Wisconsin Emergency Management, created under s. 15.105(20), Wis.

REQUIREMENTS OF EPCRA AND S. 166.20 WIS. STATS.

Section 302: Emergency Planning Notification for Extremely Hazardous Substances (EHS). Sec. 166.20(5)(a)1, Wis. Stats., requires the owner or operator of a facility:



- that has present at any one-time, an extremely hazardous substance (EHS) from the EHS list at 40 CFR Part 355, in amounts that equal or exceed the chemical-specific threshold planning quantity (TPQ),
- to provide Emergency Planning Notification to Wisconsin Emergency Management (WEM) and the appropriate Local Emergency Planning Committee (LEPC), within sixty (60) days after an EHS is present at the facility at or above the TPQ.

If a facility has an extremely hazardous substance (EHS) present at or above the threshold planning quantity (TPQ) at any one-time (including an EHS in a mixture at a concentration of greater than 1%) Sec. 302 applies. There are no exemptions. Sec. 302 does not apply to transportation.

There are two options for a facility owner/operator to submit an original or amended Emergency Planning Notification:

- (1) Submit Emergency Planning Notification on facility letterhead to include the facility name and location, name of facility emergency planning coordinator and contact phone number, EHS name(s) and quantity, and date the EHS was first present at or above the TPQ,
OR
- (2) Submit a completed DMA Form 1003, Emergency Planning Notification Fee Statement.

Emergency Planning Notification

Fee, S. 166.20(7)(a)1, Wis. Stats. The operator of a facility with 10 FTE (Fulltime Equivalent) employees or greater in Wisconsin (20,000 hrs. or greater annually) must submit to WEM an Emergency Planning Notification Fee Statement and one-time \$800.00 Emergency Planning Fee within 60 days of having an EHS present at the facility at or above the TPQ. If the fee is submitted after the 60 days, a 20% late payment surcharge (\$160.00) must be included with the one-time planning fee.

If the operator of a facility has less than 10 FTE employees in the State, he/she is exempt from the one-time planning fee payment. An Emergency Planning Notification Fee Statement indicating fee exemption must be submitted to WEM.

The number of FTE employees is determined by totaling the hours worked during the calendar year by all the operator's employees in the State and dividing that total by 2000 hours.

Extremely Hazardous Substances (EHS) in mixtures. To determine if an EHS is present at or above the TPQ, the total amount of the EHS present at a facility, regardless of the number or type of container or method of storage, must be aggregated across all mixtures where the EHS is present in excess of 1%. This should include examination of such process components as reaction vessels, piping, etc., where formation of an EHS as a by-product may occur. If an EHS is present in a mixture at a concentration of less than 1%, it would not be included in the TPQ determination.

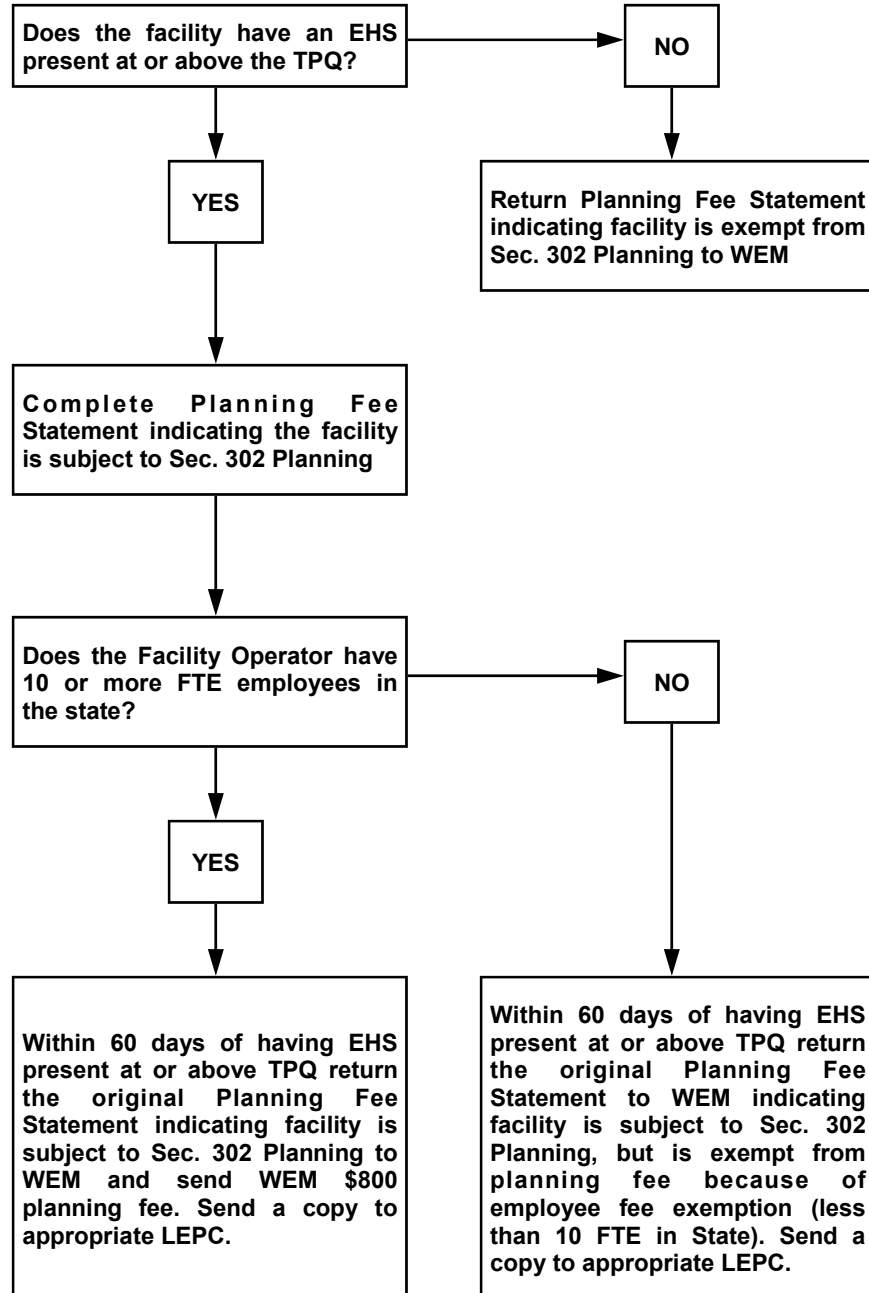
Section 303: Planning facilities providing information. Sec. 166.20(5)(a)1, Wis. Stats.: requires an owner or operator of a facility subject to Section 302 to provide the LEPC with the name, address, and telephone number of a facility representative "who will participate in the emergency planning process as the facility emergency coordinator" within 60 days of having an EHS present at or above the TPQ at the facility. Correspondence on business letterhead is acceptable.

The LEPC will work with the facility emergency planning coordinator and complete the off-site emergency response plan for the facility. Once the initial plan is completed, the LEPC will work with the facility emergency planning coordinator and update the plan, as necessary.

Also, Section 166.20 (5m), Wis. Stats., *Furnishing Information*, states if WEM or Local Emergency Planning Committee (LEPC) requests, in writing, information relating to the federal act [EPCRA] or to this section [s. 166.20, Wis. Stats.], a facility shall furnish the information in the manner requested. Failure to respond to a request for information may result in a forfeiture of not more than \$20,000.

Section 303 requires planning facilities to provide any information which is necessary for the LEPC to develop and implement the off-site emergency plan. The facility emergency coordinator must inform the LEPC of changes occurring at the facility which may be relevant to emergency planning (i.e., changes in the identity or quantity of EHS present, and changes in the operations or production).

Section 302: Emergency Planning Notification



Section 304: Emergency Notification of Release. Sec. 166.20(5)(a)2, Wis. Stats., requires the owner or operator of a facility to immediately provide verbal notice to the National Response Center (**800-424-8802**), WEM (**800-943-0003**, menu option #1) and to the LEPC for a Section 304 release of a:



- CERCLA (Comprehensive Environmental Response Compensation and Liability Act) hazardous substance **OR** a Section 302 extremely hazardous substance (EHS), which meets or exceeds the reportable quantity (RQ) for release, and is released off-site. [**NOTE:** EPA has written that a release need not result in actual exposure to persons off-site to require Sec. 304 Notification; the **potential** for exposure off-site is sufficient.]

To obtain the phone numbers for Sec. 304 Emergency Notification of Release to LEPCs in Wisconsin, contact your county Emergency Management Office.

Transportation related releases are not exempt from Section 304, Emergency Notification of Releases. EPA has written that a transportation operator may call 911 or other locally designated emergency number, in order to satisfy Section 304 notification requirements when a transportation-related release occurs, because transportation operators most likely will not know the telephone numbers of all relevant State and local entities on their routes.

EPA defines a "transportation-related release" to mean a release during transportation, or storage incident to transportation if the substance is under active shipping papers and has not reached the ultimate consignee.

Exemptions for Sec. 304 Emergency Notification of Release:

- Federally permitted releases and "continuous releases" as defined under CERCLA Section 103(e), except for initial reporting of the release and statistically significant releases, and

- A release which results in the exposure to persons solely within the site boundary on which a facility is located.

NOTE: Some releases occurring at a facility which are exempt from Sec. 304 notification may still be reportable releases under CERCLA 103(a) and, if so, must be reported to the National Response Center (NRC). Contact the U.S. EPA Hotline at 800-535-0202 for more information on CERCLA 103(a) notification requirements.

Section 304 Verbal Notification: The verbal notification shall include each of the following (to the extent known at the time of the notice and so long as no delay in responding to the emergency results):

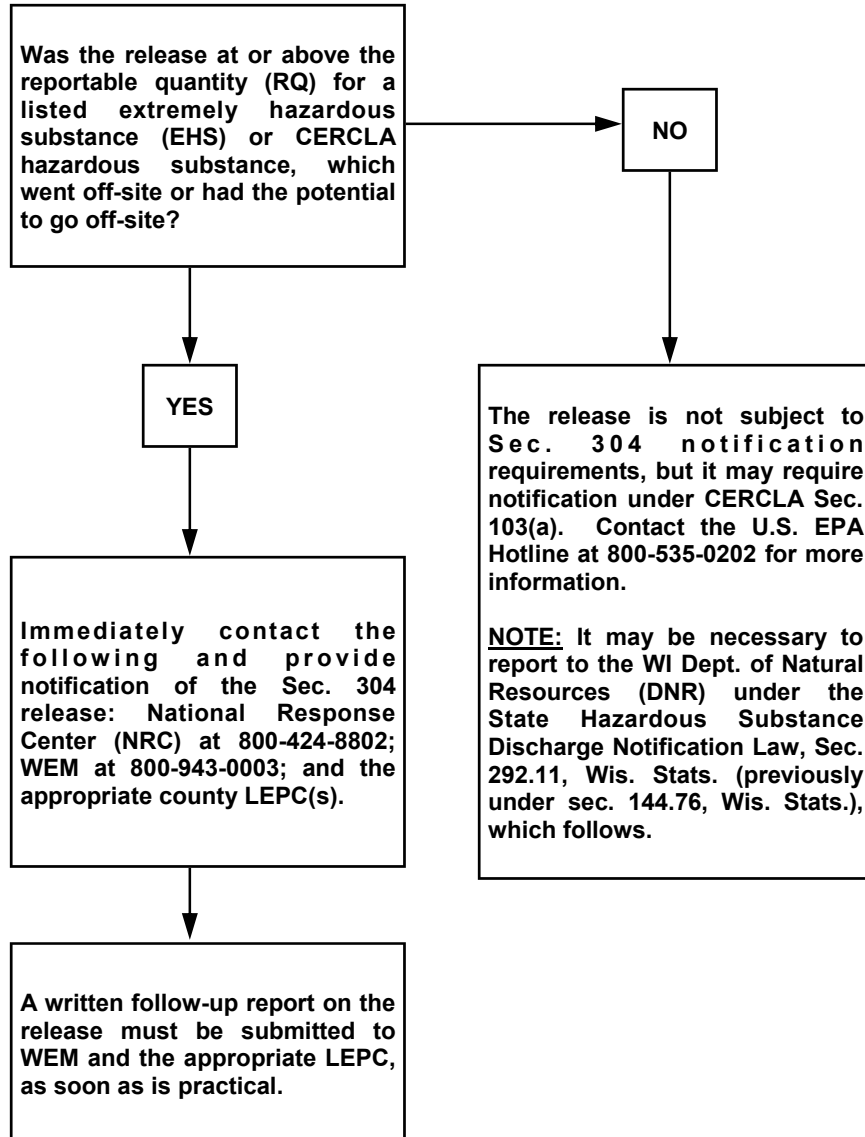
1. The time, location, cause and duration of the release;
2. The chemical name or identity of substance(s) involved in the release;
3. An indication of whether the substance is on the Section 302 EHS list;
4. An estimate of the quantity that was released into the environment;
5. The medium into which the release occurred (air, water, soil, or combination);
6. Any known or anticipated acute or chronic health risks associated with the emergency;
7. Where appropriate, advice regarding medical attention necessary for exposed individuals;
8. Proper precautions to take as a result of the release, including evacuation; and
9. The name and telephone number of the person or persons to be contacted for further information.

Section 304 Written Follow-up Notice: The owner or operator must provide a written follow-up notice to WEM and appropriate LEPC(s) as soon as practicable after the release, and should include the following:



1. Additional information available since the initial verbal notification;
2. Actions taken to respond to or contain the release;
3. Who responded to release;
4. Known or anticipated acute or chronic health risks; and
5. Where appropriate, advice regarding medical attention.

Section 304: Emergency Notification of Release



Wisconsin Spill Reporting

Requirements. The State requirements are under sec. 292.11(2)(a), Wis. Stats., *Notice of Discharge*, (previously under sec. 144.76, Wis. Stats.) and are further specified under WI Administrative Rule NR 706. A hazardous substance is defined under sec. 292.01(5), Wis. Stats. A discharge is defined under sec. 292.01(3), Wis. Stats.

The DNR (Department of Natural Resources) must be immediately notified of all discharges of hazardous substances that adversely impact or threaten to adversely impact public health, welfare or the environment. *Call 800-943-0003, option #1*, to notify DNR. The verbal notification to DNR should include the following, to the extent known at the time of the notification:



- Name, address and telephone number;
- Location, time, and duration of the discharge;
- Name, quantity, physical state, and chemical characteristics of the discharged substance;
- Cause and destination of the discharged substance;
- Actions taken to stop the discharge/ minimize impact to environment;
- Actual or potential impacts to human health and safety and/or the environment, and identity of responders at the scene, if any.

Responsible parties shall determine whether a discharged substance is hazardous by its quantity, concentration, and physical, chemical and infectious characteristics. For many substances this will depend on the quantity and location of the discharge.

If a discharge is completely contained and recovered, such as a discharge into a secondary containment structure, and there is no discharge to the environment, it is not "discharged" as that term is used in sec. 292.11, Wis. Stats. (formerly sec. 144.76, Wis. Stats.). Only discharges "to the environment" require notification to the DNR under sec. 292.11(2)(a), Wis. Stats.

Sec. 292.11, Wis. Stats. includes exemptions for the following:

- Discharges within the limits authorized by programs or a valid permit (s. NR281, 285, or 289-299);
- Law enforcement officers/fire dept. using hazardous substances in protecting human health, safety, or welfare;
- Proper application of a registered pesticide or fertilizer.

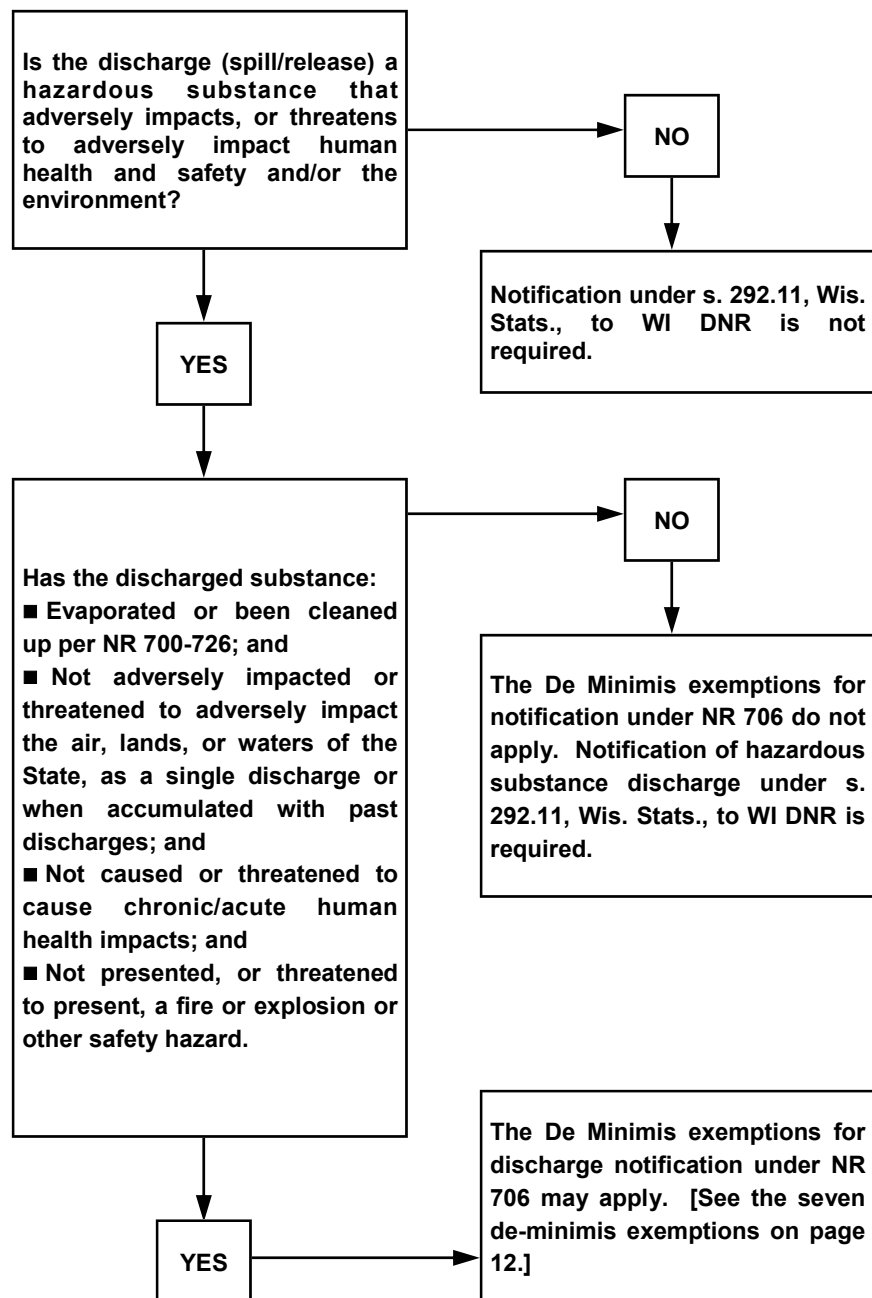
The seven de-minimis exemptions under NR 706, **apply only** when a discharged substance:

- Has evaporated or been cleaned up per NR 700-726; and
 - Has not adversely impacted or threatened to adversely impact the air, lands, or waters of the State, as a single discharge or when accumulated with past discharges; and
 - Has not caused or threatened to cause chronic/acute human health impacts; and
 - Does not present or threaten to present a fire or explosion or other safety hazard.
- For additional information on the discharge notification requirements under sec. 292.11, Wis. Stats., and NR 706 contact the DNR Spill Coordinator at 608-267-7569.***

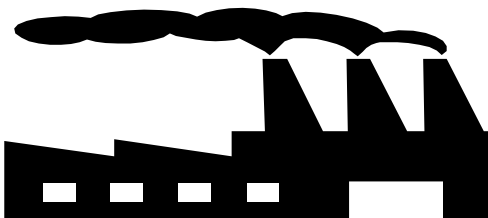
Under NR 706, "De minimis" exemptions for discharge notification include:

1. Petroleum products completely contained on impervious surface.
2. Less than 1 gal. of gasoline on pervious surface.
3. Less than 5 gal. of other middle/heavy weight petroleum products on pervious surface.
4. Less than 250 lbs. of dry fertilizer.
5. Less than 25 gal. of liquid fertilizer [unless federal RQ applies].
6. Pesticides, if amount discharged (when diluted per label directions) would cover less than 1 acre of land according to label instructions [unless federal RQ applies].
7. If the amount [of the substance] discharged is less than the federal reportable quantity (RQ) for release [see Sec. 304, page 8].

WI DISCHARGE NOTIFICATION LAW, Sec. 292.11, Wis. Stats., (formerly s. 144.76, Wis., Stats.). Commonly known as the state spill reporting law.



Section 311: Material Safety Data Sheet (MSDS) or MSDS Chemical List Submission. Sec. 166.20(5)(a) 3, Wis. Stats., states that the owner or operator of a facility:



- that is required under the Occupational Safety and Health Act (OSHA) of 1970 to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical, **Or**
- that is a public or private agency as defined by s. 166.20(1)(h) or (i), Wis. Stats.,

must submit within 90 days to WEM, appropriate LEPC, and the local fire department with jurisdiction over the facility, an MSDS or MSDS chemical list (with hazard categories) for the following, as applicable:

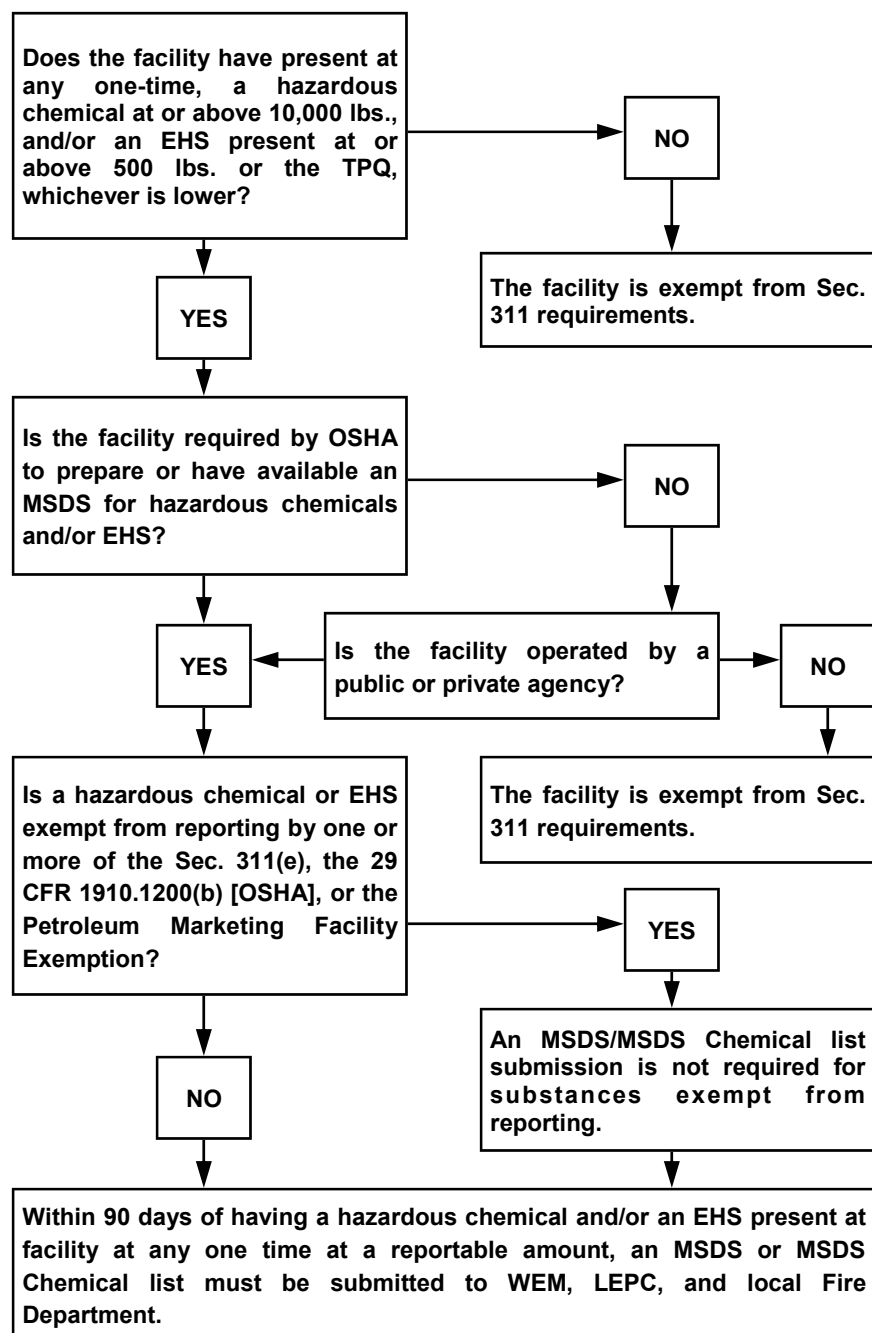
- (1) for each hazardous chemical present at a facility at or above 10,000 pounds at any one time, and/or
- (2) for each extremely hazardous substance (EHS) present at a facility at or above 500 pounds or the threshold planning quantity (TPQ), whichever is less, at any one time,

unless exempt under one or more of the reporting exemptions under Section 311(e), OSHA [29 CFR 1910.1200(b), or the Retail Gas Station Exemption. These reporting exemptions are outlined on pages 18 and 19.

Section 311 MSDS Chemical list option: Instead of submitting an MSDS for each chemical, the owner or operator of the facility may submit a list of the hazardous chemicals for which an MSDS is required. This MSDS chemical list must identify the hazard categories (acute health hazard, chronic health hazard, fire hazard, sudden release of pressure hazard, and reactivity hazard) associated with each reportable chemical and must include the chemical or common name of each hazardous chemical as provided on the MSDS.

Section 311 is not an annual reporting requirement and there is no fee. However, revised MSDSs or updated MSDS Chemical Lists must be provided to WEM, LEPC, and the local fire department within 90 days of obtaining significant new information regarding a reportable hazardous chemical or when a new reportable hazardous chemical becomes present at the facility.

Section 311: Material Safety Data Sheet (MSDS) / Chemical List Submission



Section 312: Annual Tier Two Emergency and Hazardous Chemical Inventory Report Submission. Sec. 166.20(5)(a)3, Wis. Stats., states that the owner or operator of a facility:



- that is required under the Occupational Safety and Health Act (OSHA) of 1970 to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical, **Or**
- that is a public or private agency as defined by s. 166.20(1)(h) or (i), Wis. Stats.,

must submit by March 1st annually, to WEM, appropriate LEPC, and the local fire department with jurisdiction over the facility, a completed Wisconsin Tier Two Emergency and Hazardous Chemical Inventory Form (Form DMA 1005, TIER TWO) for the facility listing, as applicable:

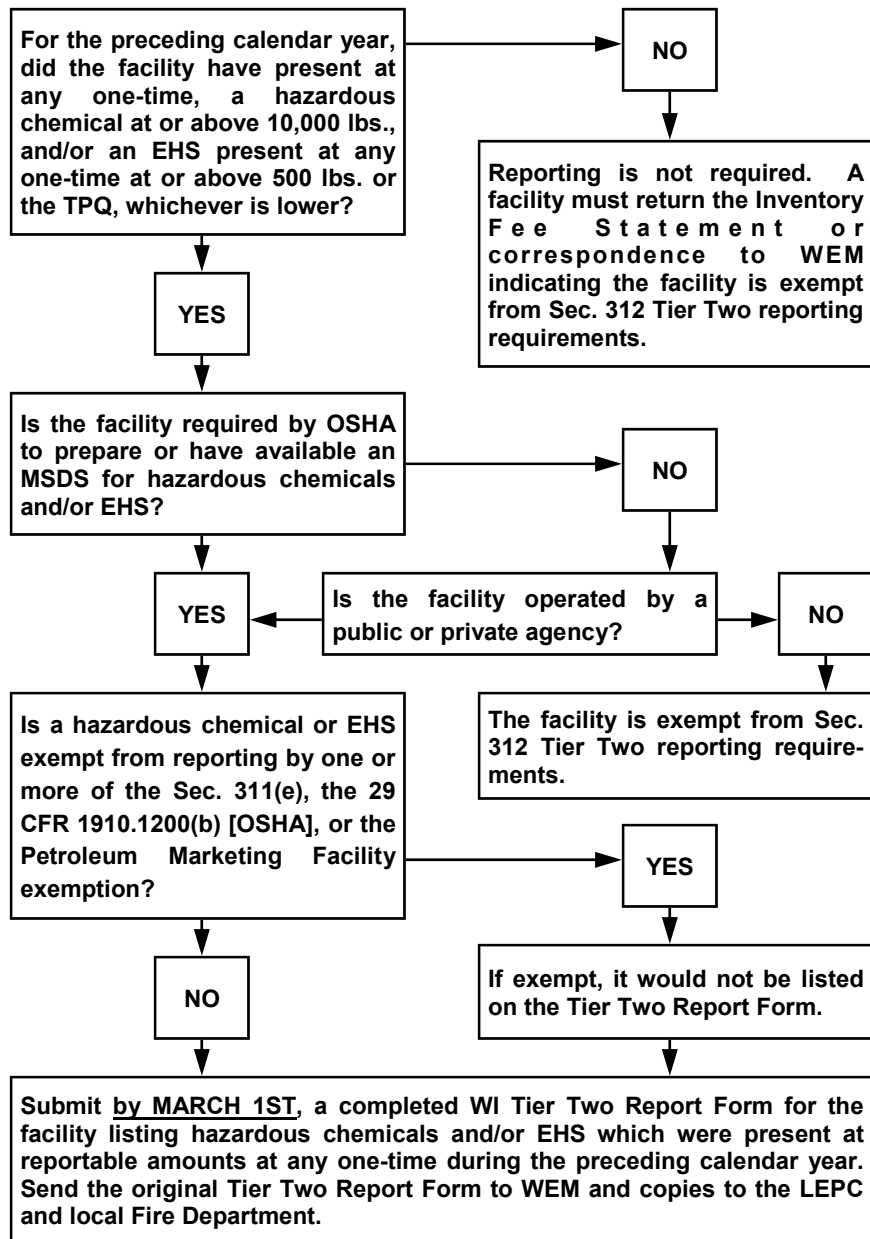
A computer generated Tier Two Form may be submitted only if it contains the same information and uses the same format as the Wisconsin Tier Two Form.

- (1) for each hazardous chemical present the preceding calendar year at the facility at or above 10,000 pounds at any one time, and/or
- (2) for each EHS present the preceding calendar year at the facility at or above 500 pounds or the TPQ, whichever is less, at any one time,

unless exempt under one or more of the reporting exemptions under Section 311(e), OSHA [29 CFR 1910.1200(b)], or the Petroleum Marketing Facility Exemption. These reporting exemptions are outlined on pages 18 and 19 of this pamphlet.

An Inventory Fee Statement and applicable Inventory Fee must be submitted with the Tier Two Report Form by March 1st annually. The Inventory Fee is based on the number of reportable hazardous chemical(s) listed on the Tier Two Report Form which are subject to fee calculation. See page 22 for more information on the Inventory Fee Statement, the annual Inventory Fee and fee exemptions.

Section 312: Annual Tier Two Hazardous Chemical Inventory Reporting



Exemptions From Reporting for Section 311 (MSDS/Chemical List) and Section 312 (annual Tier Two Reporting).

EPCRA lists five reporting exemptions under Section 311(e):

- a. Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;
- b. Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use;
- c. Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;
- d. Any substance to the extent it is used in a hospital or other medical facility under the direct supervision of a technically qualified individual;
- e. Any substance to the extent it is used in routine agricultural operations **[by the end user] OR**
Is a fertilizer held for sale by a retailer to the ultimate customer.

In addition to the five EPCRA Section 311(e) reporting exemptions for a hazardous chemical, there are eight reporting exemptions under OSHA. These are found under 29 CFR 1910.1200(b):

- a. Any hazardous waste, as such term is defined by the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 as amended (42 USC 691, et seq.), when subject to regulations issued under that Act by the Environmental Protection Agency. [Questions regarding whether a substance is a hazardous waste, should be directed to a DNR hazardous waste specialist at 608-266-2111.]
- b. Tobacco or tobacco products.
- c. Wood or wood products.
- d. "Article" means a manufactured item, other than a fluid or a particle:
 - (i) Which is formed to a specific shape or design during manufacture;
 - (ii) Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and
 - (iii) Which under normal conditions of use does not release more than very

small quantities, e.g., minute or trace amounts, of a hazardous chemical (as determined under paragraph (d) of this section) and (iv) does not pose a physical or health risk to employees. (see 2/9/94, FR Vol. 59, No. 27, pg. 6146)

- e. Food, drugs, cosmetics, or alcoholic beverages in a retail establishment that are packaged for sale to consumers.
- f. Food, drugs, or cosmetics intended for personal consumption by employees while in the work place.
- g. Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 USC 20.51, et seq.) and Federal Hazardous Substances Act (15 USC 12.61, et seq.) respectively, where the employer can demonstrate it is used in the workplace in the same manner as normal consumer use and which results in a duration and frequency of exposure which is not greater than exposures experienced by consumers.
- h. Any drug as that term is defined in the Federal Food, Drug and Cosmetic Act (21 USC 301, et seq.), when it is in solid, final form for direct administration to the patient (i.e., tablets or pills).

IMPORTANT NOTE:
The Section 311(e) or OSHA [29 CFR 1910.1200(b)] reporting exemptions DO NOT APPLY to the Section 302-303 Emergency Planning requirements. If a reporting exemption can be claimed for an extremely hazardous substance (EHS) for Section 311-312 reporting requirements, the owner/operator is still required to determine if the facility has an EHS which is present at or above the threshold planning quantity (TPQ) and must comply with the Section 302/303 Planning requirements, as appropriate.

Retail Gas Station Reporting Exemption for Section 312 (annual Tier Two Reporting).

Gasoline and Diesel Fuel are exempt from hazardous chemical (Tier Two) reporting if this is a retail gas station and all of the following apply:

- 1) gasoline and/or diesel fuel was stored in a tank(s) entirely underground, and
- 2) the facility was in compliance with all applicable Underground Storage Tank program requirements at all times during the preceding calendar year, and
- 3) less than 75,000 gallons of gasoline and/or 100,000 gallons of diesel fuel were present at any one time.

The facility would be exempt from Tier Two reporting if no other substances at or above EPCRA reporting thresholds were present at any one time in the preceding calendar year.

Reporting for Section 311 (MSDS/Chemical List) and Section 312 (annual Tier Two Reporting).

Reporting an Extremely Hazardous Substance (EHS) present in more than one mixture and/or in pure form: If an EHS is a hazardous component of more than one mixture and/or in pure form, the quantity of the EHS in **each** mixture shall be aggregated to determine if a reportable amount of the EHS is present at the facility.

The total amount of the EHS present at a facility, regardless of the number or type of container or method of storage, must be aggregated across all mixtures where the EHS is present in excess of 1%. This should include examination of such process components as reaction vessels, piping, etc., where formation of an EHS as a by-product may occur.

If the MSDS for the mixture gives a range of concentration for the EHS, the facility should use the upper range of concentration when determining the weight of the EHS in each mixture. Under Sections 311 and 312 you may report the EHS component or the mixture(s) with the reportable amount of an EHS in it, even if the amount of the mixture(s) is below the reporting threshold.

Reporting hazardous chemical mixtures (by component vs. mixture): The facility may meet the requirements of Sections 311 and 312 by choosing one of the two options below. Whichever option the owner or operator of the facility decides to use, the reporting of mixtures must be consistent for BOTH Sections 311 and 312.

- (1) Providing the required information on each component that is a hazardous chemical within the mixture. The concentration of the hazardous chemical in weight percent must be multiplied by the mass (in pounds) of the mixture to determine the quantity of the hazardous chemical in the mixture.

Hazardous components in a mixture with quantities in concentrations under .1% for carcinogens and 1% for all other hazardous components of the total weight of the mixture, do not have to be considered for reporting purposes.

- (2) Providing the required information on the mixture as a whole, using the total quantity of the mixture, provided the facility has an MSDS for the mixture as a whole. When the composition of a mixture is unknown, the facility should report on the mixture as a whole, using the total quantity of the mixture.

Conversion of gallons to pounds: Consult the MSDS for specific gravity and convert gallons to pounds accordingly (specific gravity X 8.33 = lbs. per gal.). These conversions are approximate and are for information only.

<u>Chemical Name</u>	<u>Pounds per Gallon</u>
Anhydrous Ammonia	5.15
Anti-freeze	9.40
Chlorine	11.87
Diesel Motor Fuel	7.00
Motor Oil	7.43
Muriatic Acid 32% (hydrochloric acid)	9.70
Nitric Acid 68%	11.75
Propane	4.22
Sodium Hypochlorite	10.00
Sulfuric Acid 66 degree (93%)	15.30
Unleaded Gasoline	6.25
#2 Fuel Oil	7.34

Facility response to written request for information. According to s. 166.20 (5m), Wis. Stats., *Furnishing Information*, if WEM or an LEPC requests information in writing , relating to the Federal Act [EPCRA] or this section [s. 166.20, Wis. Stats.] a facility shall furnish the information in the manner requested.

If a facility receives a Tier Two form and Inventory Fee Statement it is required to complete and return the forms. If a facility determines they are exempt from Tier Two reporting, an Inventory Fee Statement, indicating the appropriate Tier Two reporting exemption, must be returned to WEM.

Tier Two Hazardous Chemical Inventory Reporting for past years. If a facility needs to submit Tier Two Report forms for past years, and/or pay appropriate Inventory Fees, they would complete and return the "Past Years' Inventory Fee Statement" and Tier Two Report Form, as applicable.

Temporary Construction Facility Reporting. As unique and temporary sites, a special reporting form, DMA Form 1125A, would be submitted if a project meets the definition of a temporary construction facility.

Batch Plant Reporting. Concrete and asphalt batch plant sites have alternative reporting; DMA Form 1125B may be submitted instead of a Tier Two.

HOW TO OBTAIN EPCRA FORMS

EPCRA forms can be obtained by calling 608-242-3221 or visiting the EPCRA web-site at:

<http://badger.state.wi.us/agencies/dma/wem/epcra%20resources.htm>.

Annual Inventory Fee Statement and Inventory Fee submission.

Sec. 166.20(7), Wis. Stats., and Wisconsin Administrative Rule s. WEM 1, requires the submission of an Inventory Fee Statement and Inventory Fee, if applicable, by March 1st annually. There is a 20% late payment surcharge due on the balance of the fee received after the March 1st due date.

The Inventory Fee is calculated based on the number of hazardous chemicals reported on the Tier Two which are subject to fees. **NOTE:** If the cumulative actual maximum daily amount of all chemicals listed on the Tier Two which are subject to inventory fee calculation is at or above 100,000 pounds, the high volume fee (schedule b) is used to determine the inventory fee.

Employee Fee Exemption. Sec. 166.20(7) (d), Wis. Stats., states that if the operator of a facility employs fewer than 10 FTE (Full-Time Equivalent) employees in the State (fewer than 20,000 hrs. annually), they are exempt from fee payment.

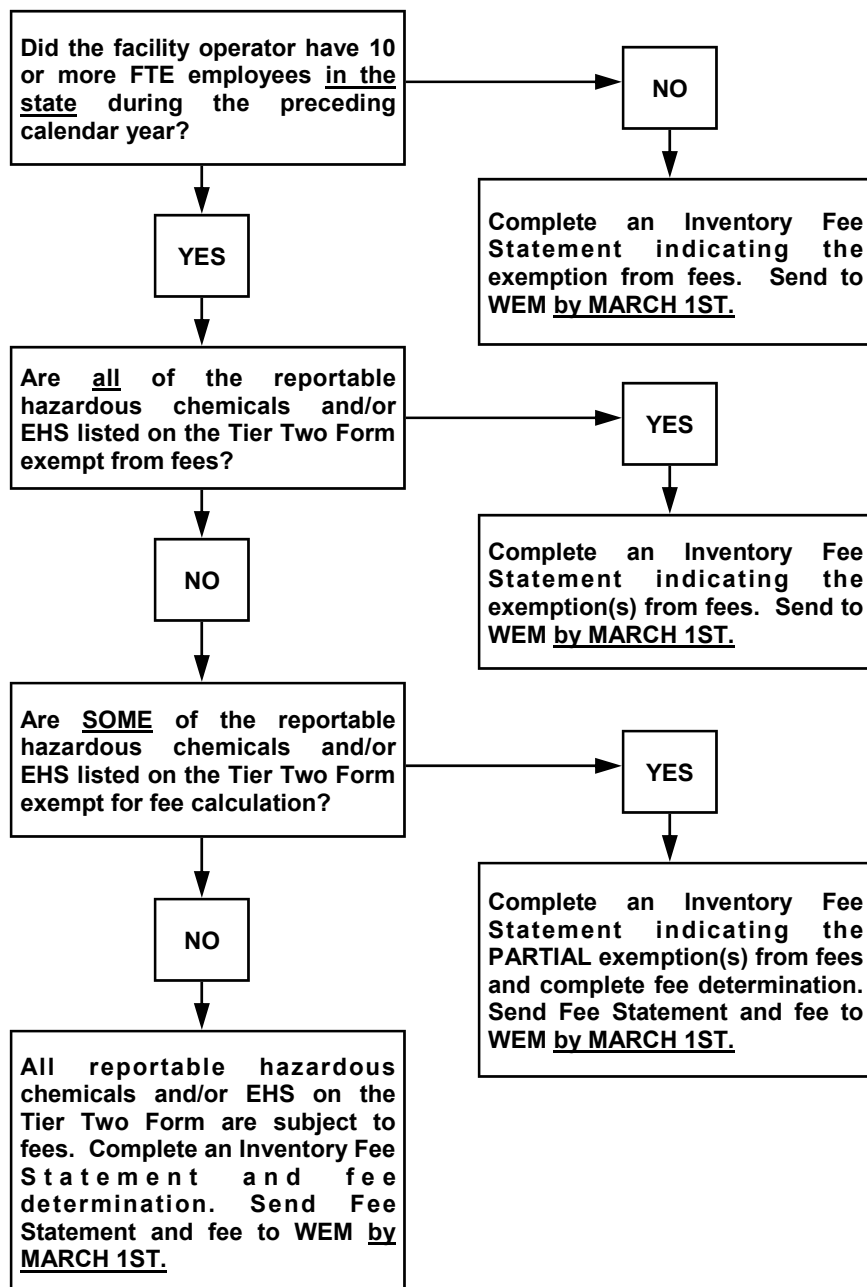
The number of FTE employees is determined by totaling the hours worked during the calendar year by all the operator's employees in the State and dividing that total by 2000 hours.

NOTE: If a facility is exempt from the annual Inventory Fee payment, the Inventory Fee Statement must be returned to WEM indicating the appropriate Inventory Fee exemption (s).

Fee Exemptions for Specific Substances. Administrative Rule s. WEM 1 and s. 166.20 provides for fee exemptions for the following:

- (1) Reportable amounts of sand and/or gravel listed on the Tier Two form are exempt from the inventory fee calculation,
- (2) Reportable amounts of gasoline and/or diesel motor fuel listed on the Tier Two form which are held for resale by a petroleum marketing facility (see definition), are exempt from the inventory fee calculation.
- (3) Reportable amounts of calcium chloride, and/or sodium chloride, and/or calcium magnesium acetate listed on the Tier Two form, when used as road deicing agents, are exempt from inventory fee calculation.

Annual Inventory Fee under s. 166.20(7), Wis. Stats., and WEM 1



Section 313: Toxic Chemical Inventory Release (TRI) Reporting.

Sec. 166.20(5)(a)4. Wis. Stats., and Administrative Rule s. WEM 3, require the owner/operator of a facility with Standard Industrial Codes (SIC) 10-13 and 20-39, or a facility owned and/or operated by public and/or private agency, which has 10 or more full-time equivalent employees at the facility, to submit a completed TRI "FORM R" report by July 1 annually listing the following:

1. Listed toxic chemicals otherwise used at the facility, equal to or in excess of 10,000 pounds for the preceding year; and
2. Listed toxic chemicals manufactured (including importing) or processed at the facility, equal to or in excess of 25,000 pounds for the preceding year.

See Section 313 TRI Form "R" instructions or U.S. EPA's Consolidated List of Chemicals for Section 313 Toxic Chemicals.

Facilities with SIC code 20-39 complete a Sec. 313 TRI Form R report and send it to U.S. EPA by JULY 1ST. Send a copy to WI DNR.

Facilities with SIC code 10-13 and public or private agencies submit the original Form R report by JULY 1ST to WI DNR only, do not send the Form R report to U.S. EPA.

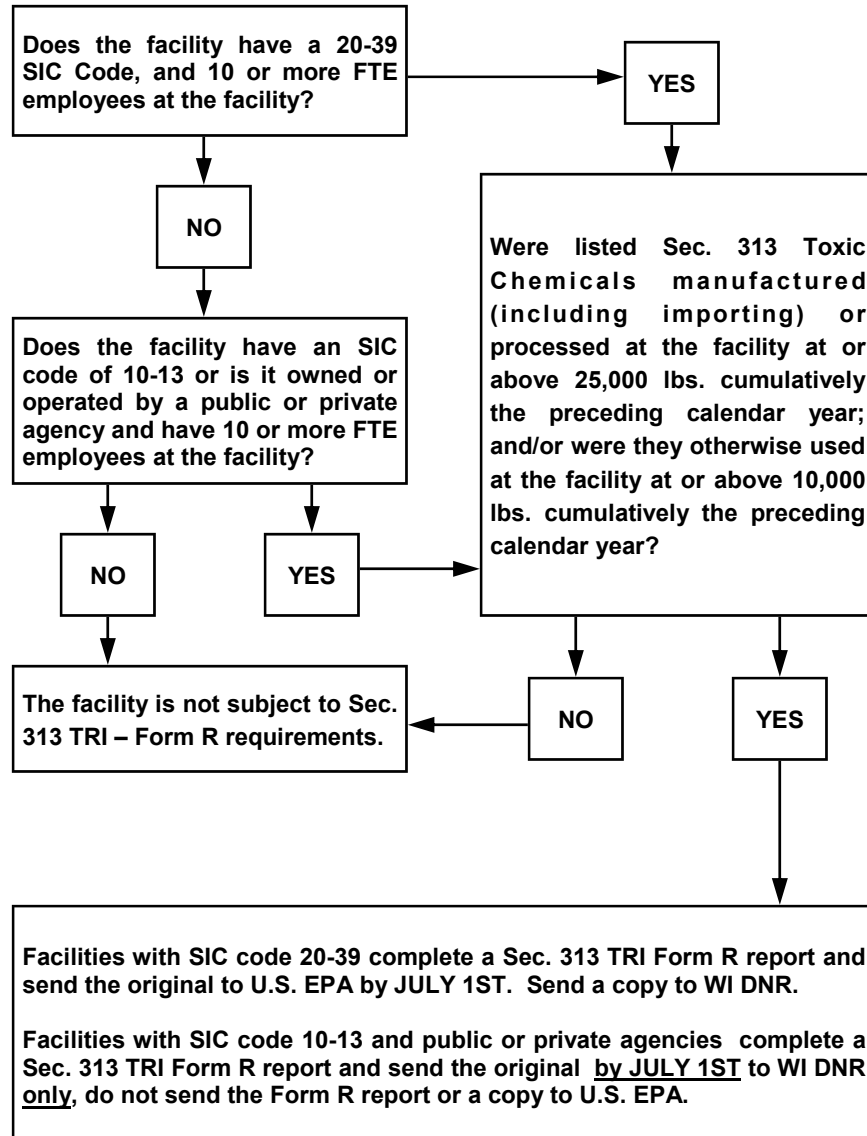
NOTE: This section is administered by the Wisconsin DNR, for more information or assistance on Section 313 TRI or to obtain a copy of Form R, phone 608-264-6043, or write to:

WI DNR
Bureau of Integrated Science Services
P.O. Box 7921
Madison, WI 53707

To obtain a copy of Section 313 TRI Form R from U.S. EPA write to:

Section 313 Document Distribution Center
P.O. Box 12505
Cincinnati, OH 45212

Section 313: Annual Toxic Chemical Release Inventory (TRI) - FORM R



For more information or assistance or to obtain copies of program documents, please contact the Facility Reporting Section staff at 608-242-3221 or the Compliance Specialist at 608-242-3225 or write to:

**EPCRA Program
Wisconsin Emergency Management
P.O. Box 7978
Madison, WI 53707-7978**

Assistance is also available from
the U.S. EPA EPCRA Hotline at 800-424-9346

Wisconsin Emergency Management Web Page

Badger.state.wi.us/agencies/dma/wem/index.htm

Wisconsin EPCRA Web Page

Badger.state.wi.us/agencies/dma/wem/epcra%20new.htm

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